

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kerry Green

Debtor(s)

CHAPTER 13

THE BANK OF NEW YORK MELLON f/k/a THE  
BANK OF NEW YORK as Trustee, in trust for the  
registered holders of NAAC Reperforming Loan REMIC  
Trust Certificates Series 2004-R1

Movant

NO. 17-13040 ELF

vs.

Kerry Green

Debtor(s)

11 U.S.C. Section 362

William C. Miller Esq.

Trustee

**MOTION OF THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK  
as Trustee, in trust for the registered holders of NAAC Reperforming Loan REMIC Trust  
Certificates Series 2004-R1  
FOR RELIEF FROM THE AUTOMATIC STAY  
UNDER SECTION 362**

1. Movant is THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee, in trust for the registered holders of NAAC Reperforming Loan REMIC Trust Certificates Series 2004-R1.

2. Debtor(s) is/are the owner(s) of the premises 4018 Parrish Street, Philadelphia, PA 19146, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$51,473.00 on the mortgaged premises that was executed on March 03, 2000. Said mortgage was recorded on March 7, 2000 at Document ID Number 50046136 The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on March 25, 2013, at Document ID Number 52614589 in Philadelphia County. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

4. William C. Miller Esq., is the Trustee appointed by the Court.

5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).

6. Debtor(s) has/have failed to make the monthly post-petition mortgage payments in the amount of \$735.33 for the months of December 2017 through February 2017. The debtor's suspense balance is \$73.67

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is \$2,132.32 (plus attorney's fees & costs).

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

**/s/ Kevin G. McDonald, Esquire**

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